

Congress of the United States
Washington, DC 20515

August 19, 2015

The Honorable John Kerry
Secretary of State
United States Department of State
2201 C Street, NW
Washington, DC 20520

Secretary Kerry:

Throughout the P5+1 negotiations with Iran regarding its nuclear program, Congress and the American people were promised robust verification of the Prior Military Dimensions (PMD) of Iran's nuclear activity. As early as 2013, Under Secretary of State Wendy Sherman, one of the administration's lead negotiators with Iran, promised that Iran would be required to "address past and present practices, which is the IAEA terminology for possible military dimensions (PMD), including Parchin." As recently as April 2015, State Department spokeswoman Marie Harf responded to a question regarding whether inspectors would be allowed into Parchin by saying "...we would find it, I think, very difficult to imagine a JCPOA that did not require such access at Parchin."

As you know, two secret side deals concerning the "roadmap for the clarification of past and present outstanding issues regarding Iran's nuclear programs," which outline the verification regime for Parchin and other PMDs, were agreed to by Iran and the International Atomic Energy Agency (IAEA). These documents have not been made available to Congress as required under the Iran Nuclear Agreement Review Act.

Within the administration, there have been changing and contradictory statements about whether officials have read or been briefed on these documents and what version of the documents they have read or been briefed on. By our count, there have been seven different answers from members of the administration to this simple question.

While we find third- or fourth-hand briefings on a matter of such importance unacceptable, you and your team have consistently said that the administration has extensive knowledge of these side deals. In fact, National Security Advisor Susan Rice said on July 28th, "We know their contents and we're satisfied with them." Therefore, we fully expect you will be able to provide thorough written answers to several important issues that have recently arisen.

1. On April 5, 2015, the Institute for Science and International Security (ISIS) published a paper based on commercial satellite imagery entitled, "Renewed Activity at Parchin Site in Iran." The paper states, "This renewed activity occurring after the signing of the JCPOA raises obvious concerns that Iran is conducting further sanitization efforts to defeat IAEA verification... this renewed activity may be a last ditch effort to try to ensure that no incriminating evidence will be found." If true, are Iran's activities at Parchin explicitly or implicitly forbidden by the text of the secret side deals?

2. Will Iran be allowed to collect their own soil samples at Parchin – the location Iran is allegedly cleansing of evidence of past nuclear weapons work – and provide those samples to the IAEA under the text of the secret side deals?
3. An August 5th Wall Street Journal article states that “Iran has so far refused to allow United Nations inspectors to interview key scientists and military officers to investigate allegations that Tehran maintained a covert nuclear-weapons program.” Is the Iranian government required to grant access to key scientists and military officers, to include Mohsen Fakhrizadeh-Mahabadi, believed to be connected to Iran’s pursuit of nuclear weapons by the text of the secret side deals?
4. The ability of the United States to detect any nefarious nuclear activities is dependent on our ability to understand the complete picture of prior military dimensions of Iran’s nuclear program. Without knowing Iran’s past nuclear activities, it would be incredibly difficult to detect future activities or accurately predict breakout times. What specifically in the text of these side deals provides you confidence that the United States will be able to verify Iran’s compliance with the nuclear deal?
5. Is the Verification Assessment Report on the JCPOA submitted by the State Department to Congress, as required under the Iran Nuclear Agreement Review Act, based on a review of the actual finalized text of the side agreements?

Mr. Secretary, with the administration’s apparent knowledge of the side deals, we believe these questions should not be difficult to answer. We look forward to your quick response.

Sincerely,



Mike Pompeo
United States Congress



Tom Cotton
United States Senate